

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DAMONIE EARL, LINDA RUGG, ALESA §
BECK, TIMOTHY BLAKEY, JR., §
STEPHANIE BLAKEY, MARISA §
THOMPSON, MUHAMMAD MUDDASIR §
KHAN, JOHN ROGERS, VALERIE §
MORTZ-ROGERS, JAMES LAMORTE, §
BRETT NOBLE, RUBEN CASTRO, FRITZ §
RINGLING, LITAUN LEWIS, and LANCE §
HOGUE, JR., each individually and on §
behalf of all others similarly situated, §

Plaintiffs, §

v. §

THE BOEING COMPANY and §
SOUTHWEST AIRLINES CO., §

Defendants. §

Civil Action No. 4:19-cv-00507

**JOINT MOTION TO HOLD IN ABEYANCE
INTERVENOR DOW JONES & COMPANY, INC.'S
COMPLAINT-IN-INTERVENTION (DKT. 489)**

Dow Jones & Company, Inc. (“Dow Jones”) was granted leave to intervene for the limited purpose of moving to unseal certain class certification papers on November 2, 2021, Dkt. 487, and filed its complaint-in-intervention (“Complaint”) on November 9, Dkt. 489. Since before Dow Jones filed its limited motion to intervene (“Motion”), Dkt. 485, Defendants The Boeing Company and Southwest Airlines Co. have been engaged in an extensive and good faith meet-and-confer process to seek agreement on the relief requested by Dow Jones. That meet-and-confer process remains ongoing. Thus, to conserve the resources of the Court and the parties while the meet-and-confer process proceeds, Defendants Boeing and Southwest, jointly with intervenor Dow Jones, jointly move to hold Dow Jones’ Complaint in abeyance until the parties complete their ongoing

meet-and-confer on the continued appropriateness of sealing certain portions of the class certification papers. In support of this motion, the above-referenced parties state as follows:

1. Dow Jones moved to intervene for the limited purpose of moving to unseal certain portions of those class certification papers and attached exhibits. Dkt. 485. This Court granted that motion and instructed Dow Jones to file its Complaint in Intervention, Dkt. 487, which Dow Jones did on November 9. Dow Jones plans to file a Motion to Unseal if the parties cannot agree through the meet-and-confer process. The parties have been in extensive meet-and-confer discussions about the scope of Dow Jones' requested relief. To narrow or resolve any potential dispute, Defendants have re-reviewed Plaintiffs' Motion for Class Certification; Southwest's and Boeing's Oppositions, and Plaintiffs' Reply, Dkts. 276, 302, 303 & 357; and have provided indices with their justifications for continuing to maintain certain portions of those documents under seal, as well as proposed to unseal substantial portions of those filings. Dkt. 485 at 2. Dow Jones is reviewing Defendants' designations and the parties have not reached an impasse.

2. Defendants and Dow Jones respectfully submit that it would be unnecessary and inefficient for Defendants to have to respond to the Complaint while the meet-and-confer process continues in good faith. That meet and confer process is directly addressing relief contemplated by the Complaint and a potential Motion to Unseal, and could render any further proceedings moot. In the event that discussions reach an impasse, Dow Jones contemplates filing a Motion to Unseal at that point. Dow Jones and Defendants agree that if a Motion to Unseal becomes necessary, Defendants will file responses to the Complaint within 21 days from the date the Motion to Unseal is filed. *Cf.* Fed. R. Civ. P. 12(a)(1)(A).

For these reasons, Defendants and Dow Jones respectfully request that this Court enter an order providing that Defendants need file no response to Dow Jones' Complaint unless and until Dow Jones files a Motion to Unseal.

Date: November 22, 2021

Respectfully submitted,

/s/ Michael W. Shapiro (by permission)

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CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Boeing and Southwest conferred with counsel for Plaintiffs regarding the relief sought by this Motion. Counsel for Plaintiffs do not oppose the requested relief.

/s/ Thomas M. Farrell
Thomas M. Farrell

CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2021, a true and correct copy of the above was served to counsel through the Eastern District of Texas's CM/ECF system.

/s/ Thomas M. Farrell

Thomas M. Farrell